

### **REMARKS**

In the Office Action dated April 28, 2009, a Restriction Requirement was issued requiring Applicants to make an election between the inventions of Group I, claims 16-18, drawn to a password, classified in class 705, subclass 50 or Group II, claims 22-24, drawn to user authentication data, classified in class 707, subclass 3. The Office Action stated that “[i]nventions II and I are related as combination and subcombination.”

### **Status of the Claims**

Claims 16-18 are currently withdrawn.

Claims 22-35 were previously presented.

Claims 1-15 and 19-21 are canceled.

### **Election**

In response to the Restriction Requirement, Applicants hereby elect to prosecute the invention of Group II, claims 22-35, drawn to user authentication data, classified in class 707, subclass 3.

This election is made **WITH TRAVERSE**. Applicants note that the Restriction Requirement stated that “the combination as claimed does not require the particulars of the subcombination as claimed because II does not require a password for the data being stored. The subcombination has separate utility such as requiring a password for the stored data.” (See, Office Action, pp. 2-3). The Office Action further stated that “there would be a serious search and examination burden if restriction were not required” listing several reasons that may apply. (See, Office Action, p. 3). However,

claim 33 in group II depends from claim 22 and recites “wherein the user authentication data is a password.” Thus, to examine the claims in group II, the Examiner would have to search for and examine a claim directed to “a password” which is the same classification as group I. Therefore, since a search for the features of group II would encompass a search for the features required by group I, there is no additional burden to examine the claims of Group I. Also see MPEP § 809. Therefore, Applicants respectfully request that the Restriction Requirement be withdrawn and that unelected claims 16-18 from Group I be rejoined. Applicants reserve the right to file one or more divisional applications directed to the subject matter defined by the unelected Group I, claims 16-18, drawn to a password, classified in class 705, subclass 50.

**Conclusion**

Consideration of the foregoing remarks and reconsideration of the application is respectfully requested by Applicants. No new matter is introduced by way of this response. It is believed that the grounds for restriction raised in the Office Action dated August 31, 2009 have been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 21-0765 of Sprint. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,

Date: September 28, 2009

/Michael W. Piper/

Michael W. Piper  
Reg. No. 39,800

CONLEY ROSE, P.C.  
5601 Granite Parkway, Suite 750  
Plano, Texas 75024  
(972) 731-2288  
(972) 731-2289 (facsimile)

ATTORNEY FOR APPLICANTS